

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

|                          |                                                      |
|--------------------------|------------------------------------------------------|
| <b>Application No.:</b>  | ABN/PDD/CA-2017-00983                                |
| <b>Application Name:</b> | Heathwood Reserve (fka Atlantis Reserve)             |
| <b>Control No.:</b>      | 1997-00008, Heathwood Reserve (fka Atlantis Reserve) |
| <b>Applicant:</b>        | AMKBJ Partners, LTD LLLP                             |
| <b>Owners:</b>           | AMKBJ Partners, LTD LLLP                             |
| <b>Agent:</b>            | WGINC - Jeff Brophy and Lindsay Libes                |
| <b>Telephone No.:</b>    | (561) 687-2220                                       |
| <b>Project Manager:</b>  | Carolina Valera, Senior Site Planner                 |

**TITLE:** a Development Order Abandonment **REQUEST:** to abandon a Class B Conditional Use for a Wholesale Plant Nursery with accessory Type II Excavation. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. **TITLE:** a Class A Conditional Use **REQUEST:** to allow a Type 3 Congregate Living Facility (CLF); and, to allow Workforce Housing Program (WHP) Density Bonus greater than 30 percent.

**APPLICATION SUMMARY:** Proposed is a Development Order Abandonment (ABN), an Official Zoning Map Amendment, and a Class A (CA) Conditional Use for the Heathwood Reserve Planned Unit Development (PUD). The overall 22.54-acre site is comprised of several developed and vacant parcels, most of which support residential and nursery uses, including 16.54 acres originally approved by the Zoning Commission (ZC) on March 5, 1998, for a Class B (CB) Conditional Use to allow a Wholesale Plant Nursery with accessory Type II Excavation. The Wholesale Nursery use was last approved by the ZC on July 1, 1999, for a Development Order Amendment (DOA) to modify conditions of approval (Landscaping and Use Limitations).

The Applicant proposes to abandon the CB Conditional Use and consolidate the parcels to allow for the development of Townhouse units, which includes a Class A Conditional Use to allow 55 WHP density bonus units; and, a Class A Conditional Use for a Type 3 Congregate Living Facility (CLF). The Preliminary Master and Site Plans indicate 138 Townhouses, a 60,000 square foot Type 3 CLF with 139 beds/residents, 1.68 acres of Recreation, 352 parking spaces, and three access points from Military Trail.

This Application is also the subject of a concurrent Small Scale Land Use Atlas (FLUA) amendment (SCA-2017-00014), which is under review by the Planning Division, to amend the Future Land Use (FLU) designation of 4.83 acres, from Medium Residential, 5 units per acre (MR-5) to Congregate Living Residential (CLR).

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 24.

**SITE DATA:**

|                                       |                                                                                                                                     |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>                      | West side of Military Trail, approximately 0.60 miles north of Lantana Road.                                                        |
| Property Control Number(s)            | 00-42-44-36-08-009-0030<br>00-42-44-36-08-010-0000<br>00-42-44-36-08-016-0060<br>00-42-44-36-08-016-0090<br>00-42-44-36-08-016-0110 |
| Existing Future Land Use Designation: | Medium Residential (MR-5)<br>Low Residential 3 units per acre (LR-3)                                                                |
| Proposed Future Land Use Designation: | Medium Residential (MR-5)<br>Low Residential 3 units per acre (LR-3)<br>Congregate Living Facility (CLR)                            |
| Existing Zoning District:             | Agricultural Residential District (AR)                                                                                              |
| Proposed Zoning District:             | Planned Unit Development (PUD)                                                                                                      |

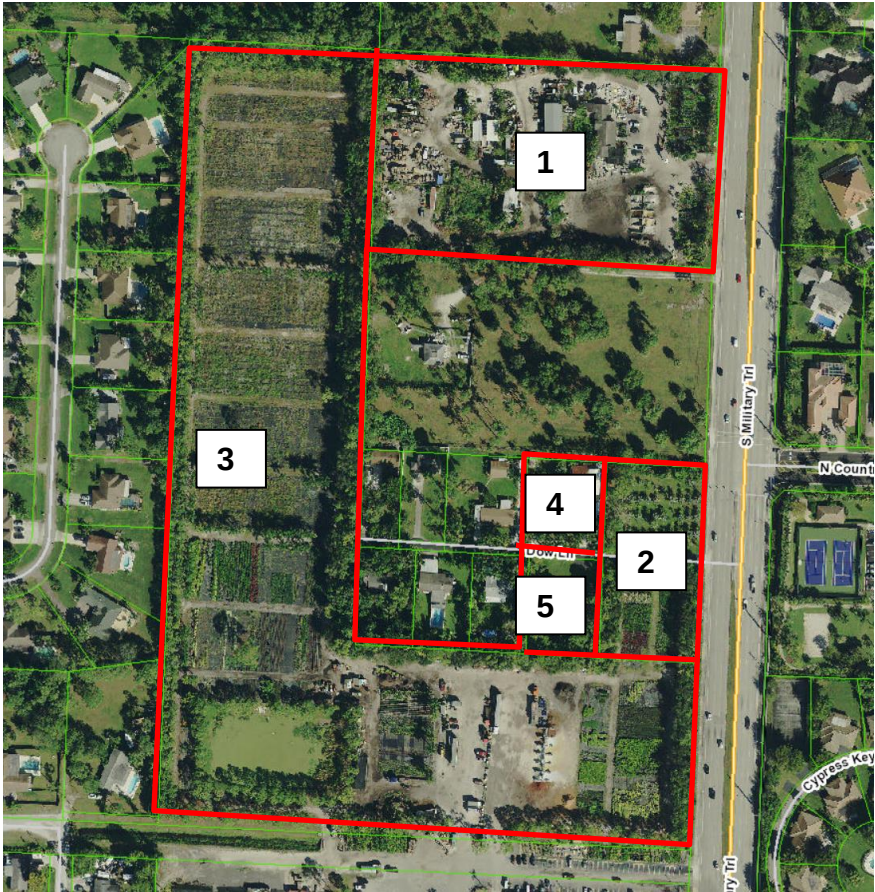
|                              |                      |
|------------------------------|----------------------|
| Total Acreage:               | 22.54 acres          |
| Affected Acreage:            | 22.54 acres          |
| Tier:                        | URBAN/SUBURBAN       |
| Overlay District:            | N/A                  |
| Neighborhood Plan:           | N/A                  |
| CCRT Area:                   | N/A                  |
| Municipalities within 1 Mile | Atlantis, Greenacres |
| Future Annexation Area       | Greenacres, Lantana  |

**RECOMMENDATION:** Staff Recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-1; 6 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received four contacts from the public regarding this project, two in opposition and two in support. In addition, Mayor Catherine Higgins, City of Atlantis, submitted a letter dated September 27, 2017 (Exhibit E) in which she lists concerns from the City regarding the increase in intensity of uses for the proposed development, traffic, and inconsistencies with the “Citizens Master Plan”, study developed with Palm Beach County in 2004. A letter of objection was also received on April 8, 2019 (Exhibit F), from the City of Greenacres’ City Council through Kara L. Irwin-Ferris, Planning and Engineering Director for the City, in which they state their reasons for objecting this application’s requests and the amendment to the FLU, SCA-2017-00014. The letter cites inconsistencies with the consensus vision reflected in the Citizen’s Master Plan as well as inconsistencies with the County’s Comprehensive Plan. The Planning Division is also in receipt of formal objections from the City of Atlantis and the City of Greenacres, for the concurrent FLUA Amendment (Exhibits G and H).

**ACTION BY THE ZONING COMMISSION (ZC):** At the April 4, 2019 ZC Hearing, this item was on the Regular Agenda. The ZC postponed this application to the May 2, 2019 hearing due to lack of quorum.

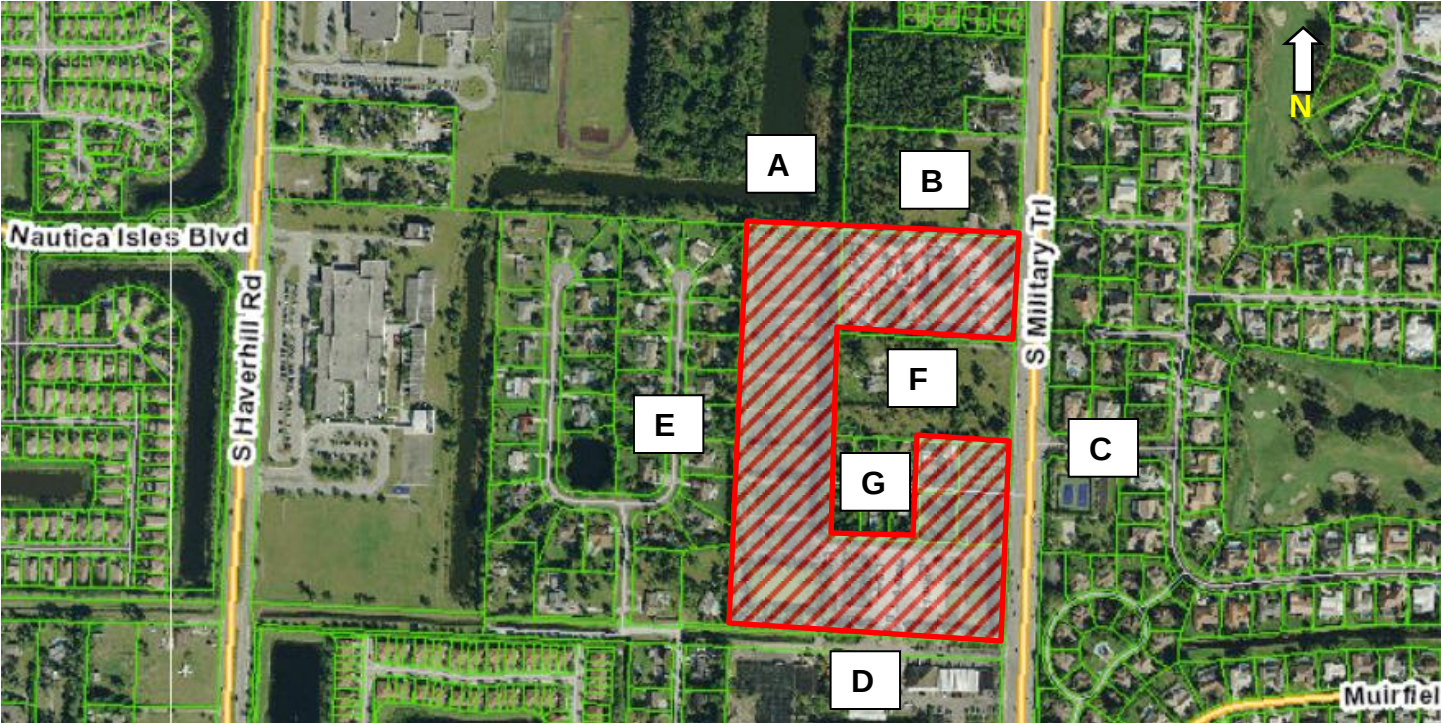
**PROJECT HISTORY:**  
 There are 5 parcels that will comprise the proposed PUD development. Some of the project’s parcels have received prior approvals, as noted in the chart below:



| Parcel (PCN)                   | Application No./Process | Request                                                                     | Resolution  | Approval Date |
|--------------------------------|-------------------------|-----------------------------------------------------------------------------|-------------|---------------|
| 1<br>(00-42-44-36-08-009-0030) | DRC-2000-45             | Wholesale Nursery (AAA Nursery)                                             |             | 8/23/2000     |
| 2<br>(00-42-44-36-08-016-0060) | SPBL-1997-119           | Special Permit for billboard demolition                                     |             | 9/19/1997     |
| 3<br>(00-42-44-36-08-010-0000) | CB-1997-00008           | Class B Conditional Use (CB) for a Wholesale Nursery and Type II Excavation | ZR-1998-001 | 3/5/1998      |
|                                | DOA-1997-00008          | Development Order Amendment (DOA) to modify conditions of approval          | ZR-1999-006 | 11/20/1998    |
| 4<br>(00-42-44-36-08-016-0060) | SPBL-1997-119           | Special Permit for billboard demolition                                     |             | 9/19/1997     |
| 5<br>(00-42-44-36-08-016-0090) |                         | Vacant. No previous zoning approvals                                        |             |               |

SURROUNDING LAND USES:

Location Map



| Location | FLU Designation                         | Zoning District                                          | Supporting                                                                                    |
|----------|-----------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| A        | Public Institution (PI)                 | Government Use (GU)                                      | Institutional (School - Tradewinds Middle School, City of Greenacres)                         |
| B        | LR-3                                    | Agriculture Residential (AR)                             | Civic (Place of Worship - Palm Beach Baptist Church, Control No. 2014-00066)                  |
| C        | Residential, Recreational               | Single Family Residential (R1-A), Recreational Area (RD) | Residential and Recreational (Single Family and Recreational parcels within City of Atlantis) |
| D        | LR-3                                    | AR                                                       | Agricultural (Wholesale Nursery - Rorabeck's Plants and Produce, Control No 1997-00066)       |
| E        | Low Residential 2 units per acre (LR-2) | Residential Transitional (RT)                            | Residential (Single Family parcels within the Winchester Woods development)                   |
| F        | MR-5                                    | AR                                                       | Communication Tower (Control No. 1983-                                                        |

|   |      |    |                                     |
|---|------|----|-------------------------------------|
|   |      |    | 00172)                              |
| G | LR-3 | AR | Residential (Single Family parcels) |

**FINDINGS:**

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards a-g listed under ULDC Article 2.B.7.A.2, Standards. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

- Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- Concurrent Land Use Amendment: A 4.831 ac portion of the site is the subject of a concurrent Small Scale amendment known as Heathwood Reserve (SCA 2017-014). The request is to amend the land use from Medium Residential, 5 units per acre (MR-5), to Congregate Living Residential (CLR). The concurrent FLUA amendment was be heard by the Local Planning Agency (LPA) at a public hearing on December 14, 2018. Staff is recommending approval with no conditions. The LPA recommended approval in a 6-1 vote.
- Density and Workforce Housing (WHP) Program: The applicant is requesting a total of 196 units, of which 58 units will be allocated toward the proposed Type 3 Congregate Living facility and 138 toward the Townhouse residential portion of the site.

The 138 Townhouse residential units will be required to deed restrict 24 of those units toward the Workforce Housing Program (WHP). The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140 percent of the Area Median Income (AMI). Currently, per HUD, Palm Beach County has an AMI of \$67,900. The CLR and Multi-family portions of the request are discussed in more detail below.

- Congregate Living Residential (CLR) and relevant Comprehensive Plan Policies: The request to utilize the Congregate Living Residential (CLR) Future Land Use Designation on the 4.831 acre portion of the site will require the application of Table 2.2.1-g.1 note 4 and FLUE Policy 2.2.1.I.3 to achieve the 100 units or 238 beds being requested. They are as follows:

Table 2.2.1-g.1, note .4. States:  
 “The CLR future land use designation allows a maximum density for a Congregate Living Facility Type 3 of up to 12 units per acre in the Urban/Suburban Tier. See Congregate Living Residential Policy 2.2.1-I.”

FLUE Policy 2.2.1.I.3 states:  
 “Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.1. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a zoning application to be submitted within the amendment review process.”

The density for 139 bed Type 3 Congregate Living Facility is as follows:  
 Total units for the CLR portion of the site:  
 4.831 acres x CLR-12 = 57.972 or 58 units (rounded up)

Total beds available based on the 100 units:  
 58 units x 2.39 beds/residents per unit = 138.62 or 139 total beds/residents (rounded up)

Multi-family: The applicant is requesting 138 multifamily units on the remaining 17.70 acres of which 24 units will be required to be obligated toward the WHP program. The applicant also stated in the justification that the final disposition of the WHP will be made at the time of Final DRO.

The density for the requested 138 unit Townhouse portion contains two Future Land Use's: MR-5 and LR-3. The 15.29 acres of MR-5 permits a maximum of 76 units (15.29-5 = 76.45 or 76 rounded down), and the 2.42 acres of LR-3 permits a maximum of 7 units (2.42 x 3 = 7.26 or 7 rounded down); combined for a maximum available of 83 units per land use. The applicant is seeking to utilize a WHP bonus to achieve the total 138 units being requested. Utilizing the Full Incentive Development Option the requested density was achieved as follows:

Units per land use and WHP bonus: Workforce Obligation:

66 units      3.30 WHP units (5%)  
17 units      2.72 WHP units (16%)  
55 WHP Bonus units (66%)      18.70 WHP units (34%)  
138 units total      24.72 or 25 (rounded up) required WHP

Workforce Housing (WHP) Program: The mandatory WHP program requires that a percentage of units are deed restricted for a specified term to be sold or rented. All designated WHP units will be offered to income-qualified households with incomes from 60 percent to 140 percent of area medium income (AMI). The request was submitted while the 2017 pricing was in effect. As such, in Palm Beach County, the 2017 median income was \$67,900 for a family of four (per HUD). The following are the sales and rental prices per income category for 2017 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price, and any Utility Allowances are to be applied against gross maximum rent and the rental prices.

WHP Sales Prices: The sales prices are based on US HUD annual median income figure. Based on the 2017 Median Family Income of \$67,900, the following are the WHP for sale prices:

WHP Income Category: WHP Income Ranges: 2017 Sales Prices

Low (60-80% of AMI)      \$40,740 - \$54,320      \$142,590  
Moderate-1 (>80-100% of AMI) >\$54,320 - \$67,900      \$183,330  
Moderate-2 (>100-120% of AMI) >\$67,900 - \$81,480      \$224,070  
Middle (>120-140% of AMI) >\$81,480 - \$95,060      \$264,810

WHP Rental Prices: The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms. The rental prices at 100% are determined by Planning Division staff. Any Utility Allowances are applied against gross maximum rent.

WHP Income Category: WHP Income Ranges:

Low (60-80% of AMI)      \$40,740 - \$54,320  
Moderate-1 (>80-100% of AMI) >\$54,320 - \$67,900  
Moderate-2 (>100-120% of AMI) >\$67,900 - \$81,480  
Middle (>120-140% of AMI) >\$81,480 - \$95,060

WHP Rental Prices:

Income % 1 BR 2 BR 3 BR 4 BR

60% \$ 810 \$ 972 \$1,122 \$1,252  
80% \$1,080 \$1,296 \$1,496 \$1,670

>80% \$1,080 \$1,296 \$1,496 \$1,670  
100% \$1,350 \$1,620 \$1,870 \$2,088

|       |         |         |         |         |
|-------|---------|---------|---------|---------|
| >100% | \$1,350 | \$1,620 | \$1,870 | \$2,088 |
| 120%  | \$1,620 | \$1,944 | \$2,244 | \$2,505 |
| >120% | \$1,620 | \$1,944 | \$2,244 | \$2,505 |
| 140%  | \$1,890 | \$2,268 | \$2,618 | \$2,922 |

Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is located within the Treasure Coast Regional Planning Council's (TCRPC) Greenacres, Atlantis and Palm Beach County Charrette Report or “A Citizens Master Plan”.

The Study does not provide specific land use recommendations for the four quadrants of the Study area, but provides a vision through a graphic master plan and design recommendations. For the 'northeast quadrant' where the subject site is located, the Study recommends that an east-west roadway should be established to connect the City of Atlantis with the City of Greenacres through aligning a right of way from Haverhill to North Country Club Blvd, and that this intersection should be signalized. Along Military Trail, the Study recommends redesigned medians, pavers, shade trees, and buildings such as townhomes or mixed use, development built up to the road fronting the roadway. The Plan graphically depicts mixed uses and higher density along Military Trail in a block style pattern. North Country Club Boulevard is depicted aligning with an access road to the subject site and a traffic light at the intersection with Military Trail.

**b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The Applicant must demonstrate compliance with Article 3.E.Planned Development Districts, and Article 3.E.2 Planned Unit Development and minimum thresholds requirements. The proposed rezoning of the 22.54-acre site is not in conflict with the ULDC. The proposed Zoning Map Amendment is consistent with the applicable provisions of the ULDC, as well as the stated purpose and intent of the PUD Zoning District. The proposed amendment complies with these standards in regards to layout, function and general development characteristics.

- Access: The proposed development provides the required frontage and access on an arterial road (South Military Trail).
- Landscape/Buffering: The PMP and PSP (Figure 4) depict the required 20-foot (ft.) Right of Way (R-O-W) Buffer along South Military Trail, with a 5-ft. Utility Easement (U.E.) overlap, as permitted by Code. Along the north property line, a 15-ft. Type 2 Incompatibility Buffer is required and provided. A 10-ft. Type 2 Incompatibility Buffer is required and provided along the west property line. Lastly, along the south property line, a 20-ft. Type 3 Incompatibility Buffer is required and provided. Staff has included a Condition of Approval to provide a continuous opaque wood fence with a minimum of six ft. within the residential Pods along the west property line adjacent to the existing Single Family homes in order to further minimize potential impacts from the proposed roadways.
- Civic Pod: The PMP indicates a 17.71-acre residential Pod and a 4.31 residential Pod for the Type 3 CLF. Per Table 3.E.2.C. PUD Land Use Mix, Facilities Development and Operations Staff did not require the 0.45 –acre or two percent Public Civic Pod, as it is less than 1.5 acres.
- Signs: The Applicant is proposing two 8-ft. high freestanding signs with 60 sq. ft. of sign face area, which complies with Art. 8, Signs. One signs is proposed at the north entrance to the project with direct access the CLF, and the second one is to be located at the south entrance to the project with access the townhouses.

**c. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The subject site is bordered by Single Family homes to the east (across Military Trail) and west, in addition to several parcels that are accessed via Down Lane. To the northwest, where townhouses are proposed, there is a school (Tradewinds Middle). To the north of the proposed CLF, there is an

existing Place of Worship (Palm Beach Baptist Church). Lastly, to the south, there is a portion of the existing Rorabeck’s Plants and Produce nursery. Therefore, the rezoning is compatible and generally consistent with the surrounding uses and FLU designations, and any potential impact generated by this use will be mitigated through Code requirements and Conditions of Approvals.

- d. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the Florida Department of Health's requirements.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:  
VEGETATION PROTECTION: Much of the property has been cleared for an existing plant nursery. Significant stands of native trees shall be incorporated into the site plan.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

ENVIRONMENTAL AUDIT: A Phase I environmental audit was submitted as part of the review of this property. It did not identify areas of significant contamination and did not recommend further assessment.

Staff added a condition of approval for all native trees located along the west property line to be incorporated and depicted on the Fnal Site Plan prior to the approval by the Development Review Officer (DRO).

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The subject site is surrounded by a School, a Place of Worship, and a Wholesale Nursery uses to the north and south. Established residential developments exist directly to the west and east, across South Military Trail. The proposed CLF and Townhomes will provide transition to less intense housing types and non-residential uses. Therefore, the proposed rezoning to PUD is consistent with the developed pattern of the community.

- f. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

ENGINEERING COMMENTS:  
TRAFFIC IMPACTS

The proposed 138 DU Townhomes and 139 Bed CLF are expected to generate 429 net daily trips, 51 net AM peak hour trips, and 40 net PM peak hour trips. These are additional trips generated from the existing nursery and 1 single family currently on the site. Overall, the new development will generate 1,035 daily, 70 AM peak hour, and 88 PM peak hour trips. A buildout of 2023 has been assumed.

There are no roadway improvements required to meet Traffic Performance Standards, since the project will have an insignificant impact on the roadway network.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)  
Segment: Military Trail from Lantana Rd to Melaleuca Ln  
Existing count: Northbound=1828, Southbound=1559

Background growth: Northbound=412, Southbound=431  
Project Trips: Northbound=16, Southbound=17  
Total Traffic: Northbound=2256, Southbound=2007  
Present laneage: 3 in each direction  
Assured laneage: 3 in each direction  
LOS “D” capacity: 2940 per direction  
Projected level of service: LOS D or better in each direction

The Property Owner shall configure the property into legal lots of record, take in the storm drainage runoff from Military Trail and obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

The Property Owner shall install landscaping within the median of Military Trail along the project frontage in accordance with OTIS.

**FIRE PROTECTION:** Staff has reviewed the project and has no issues with the proposed project.

**SCHOOL IMPACTS:** In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 138 residential units had been approved on September 18, 2018 (SCAD Case #18082002Z). The subject property is located in SAC 219A.

This project is estimated to generate approximately fifty one (51) public school students. The schools currently serving this project area are: Diamond View Elementary School, Tradewinds Middle School and Santaluces Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level. The additional seventeen (17) high school students generated by this proposal will increase the utilization percentage of Santaluces Community High School to 113%.

The revised Preliminary Site Plan shows one (1) 10 ft. by 15ft. school bus shelter location. A bus shelter condition of approval has been applied to this request.

**PARKS AND RECREATION:** Based upon the proposed 139 bed CLF, 0.35 acres of onsite recreation is required, the site plan shows 0.78 acres of onsite recreation. Therefore, the recreational requirement is satisfied.

Based on the proposed 138 multifamily dwelling units, 0.83 acres of onsite recreation is required, the plan indicated 0.90 acres of onsite recreation provided. Therefore, the recreational requirement is satisfied.

**g. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate the amendment.***

Previously supported Agriculture, land use (existing and proposed) contemplates future residential redevelopment. The proposed rezoning to PUD and concurrent FLU amendment to CLR, allow the Applicant the opportunity to develop the site with a Residential development that complements the surrounding developments.

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**FINDINGS:**

**Conditional Uses, Requested Uses and Development Order Amendments:**

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards a – h listed in Article 2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested

Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

- a. Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

See item a of the rezoning standards for Staff's findings.

- b. Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

- Maximum Occupancy: The maximum occupancy is determined by FLUE Table III.C.1 of the Plan and multiplying the maximum allowable density by 2.39 (average PBC household size). A dwelling unit is equivalent to 2.39 beds/residents. The proposed bed/resident count is consistent with this section, as the CLR FLU designation supports 58 dwelling units, which equates to 139 beds/residents, as proposed.

- Location: A Type 3 CLF complies with the Arterial/Collector requirement.

- Distance from Fire Rescue Station: A Type 3 CLF is required to be located within five miles of a full service fire-rescue station. The proposed Type 3 CLF is located approximately 1 mile from PBC Fire Rescue Station #43.

- Drop-Off Area: A drop-off area shall be provided for group transportation, such as vans or similar vehicles. A drop off area is proposed at the building entrance.

- Emergency Generators: A permanent emergency generator is required for a Type 3 CLF, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. The PSP depicts a 16 ft. x 28 ft. generator pad that meets the minimum standards for location, setbacks and screening. The Applicant states in the Justification Statement that the required generator will meet the standards for maximum sound levels, and maintenance cycle.

- Cooking Facilities: The proposed Type 3 CLF complies with the requirement to provide and continuously maintain a central dining facility.

- c. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

See item c of the rezoning standards for Staff's findings.

- d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The PMP and PSP indicate a water management tract between the existing residential development to the west and most of the proposed Townhouses, and the Type 3 CLF will be located at the northeast corner of the project, abutting non-residential uses. In addition to required perimeter buffers and building setbacks, the Applicant proposes a 6-ft. high fence around the entire perimeter of the project. With these elements indicated on the PMP and PSP, Staff has determined that the design of the proposed use minimizes adverse impacts on the adjacent properties.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

See item d. Effect on Natural Environment, of the rezoning standards for Staff's findings.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

See item e of the rezoning standards findings.

- g. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

See item f of the rezoning standards for Staff's findings.

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

See item g of the rezoning standards for Staff's findings.

## **CONCLUSION**

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-2 through C-4.

## CONDITIONS OF APPROVAL

### Exhibit C-1: PDD- Residential Planned Development District

#### ALL PETITIONS

1. The approved Preliminary Master Plan and Preliminary Site Plan are dated January 28, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2023. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane

- i. South approach on Military Trail at Country Club Dr
- ii. North approach on Military Trail at Country Club Dr.

These turn lanes shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: ENGINEERING - Engineering)

5. The Property Owner shall provide an access easement over Dow Lane from Military Trail to the residential properties that currently use Dow Lane as access.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the Property Owner and prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to any of the parcels above, the Property Owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcels. (ONGOING: MONITORING - Engineering)

6. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Military Trail. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Military Trail. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMPT/ONGOING: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT: MONITORING - Engineering)

8. Prior to the final Plan approval by the Development Review Officer, the Property Owner shall revise the plan to include a temporary turnaround at the west end of the proposed 50ft roadway tract of Dow Lane or as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

**ENVIRONMENTAL**

1. All native trees located along the west property line shall be incorporated and depicted on the final site plan prior to the approval by the Development Review Officer (DRO). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**LANDSCAPE - GENERAL-PERIMETER LANDSCAPE AND BUFFERING ALONG THE WEST PROPERTY LINE**

1. In addition to Code requirements, perimeter landscaping and buffering within the residential Pods along the west property line shall be upgraded to include the following:

- a. a continuous opaque wood fence with a minimum of six (6) feet.
- b. prior to Final approval by the Development Review Officer, the Master and Site Plans shall be revised to indicate the wood fence and height. (DRO: ZONING - Zoning)

**LANDSCAPE - PRESERVATION OF VEGETATION**

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall finalize the Preliminary Vegetation Disposition Chart and provide a preliminary grade plan to ensure all Vegetation that is subject to either preservation; relocation on site; replacement or mitigation shall be clearly identified on the Site Plan. The Chart and what is shown on the Plan shall be consistent. (DRO: ZONING - Zoning)

**SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

**“NOTICE TO PARENTS OF SCHOOL AGE CHILDREN”**

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

## CONDITIONS OF APPROVAL

### Exhibit C-2: Conditional Use Class A – Congregate Living Facility

#### ALL PETITIONS

1. The approved Preliminary Master Site Plan and Preliminary Site Plan are dated January 28, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### PARKS

1. The recreational facilities shall be complete and open to the residents prior to the issuance of the 56th residential building permit for the 138 dwelling unit portion of this project, unless a phasing plan for the completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. (BLDGPMT: MONITORING - Parks and Recreation)

#### PARKS-CLF

2. No more than 28 Certificates of Occupancy for the CLF shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, unless a phasing plan for completion of the required reaction area is agreed to and approved by the Parks and Recreation Department. (CC: MONITORING - Parks and Recreation)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

## CONDITIONS OF APPROVAL

### Exhibit C-3: Conditional Use Class A – Workforce Housing Program Density Bonus

#### ALL PETITIONS

1. The approved Preliminary Master Site Plan and Preliminary Site Plan are dated January 28, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

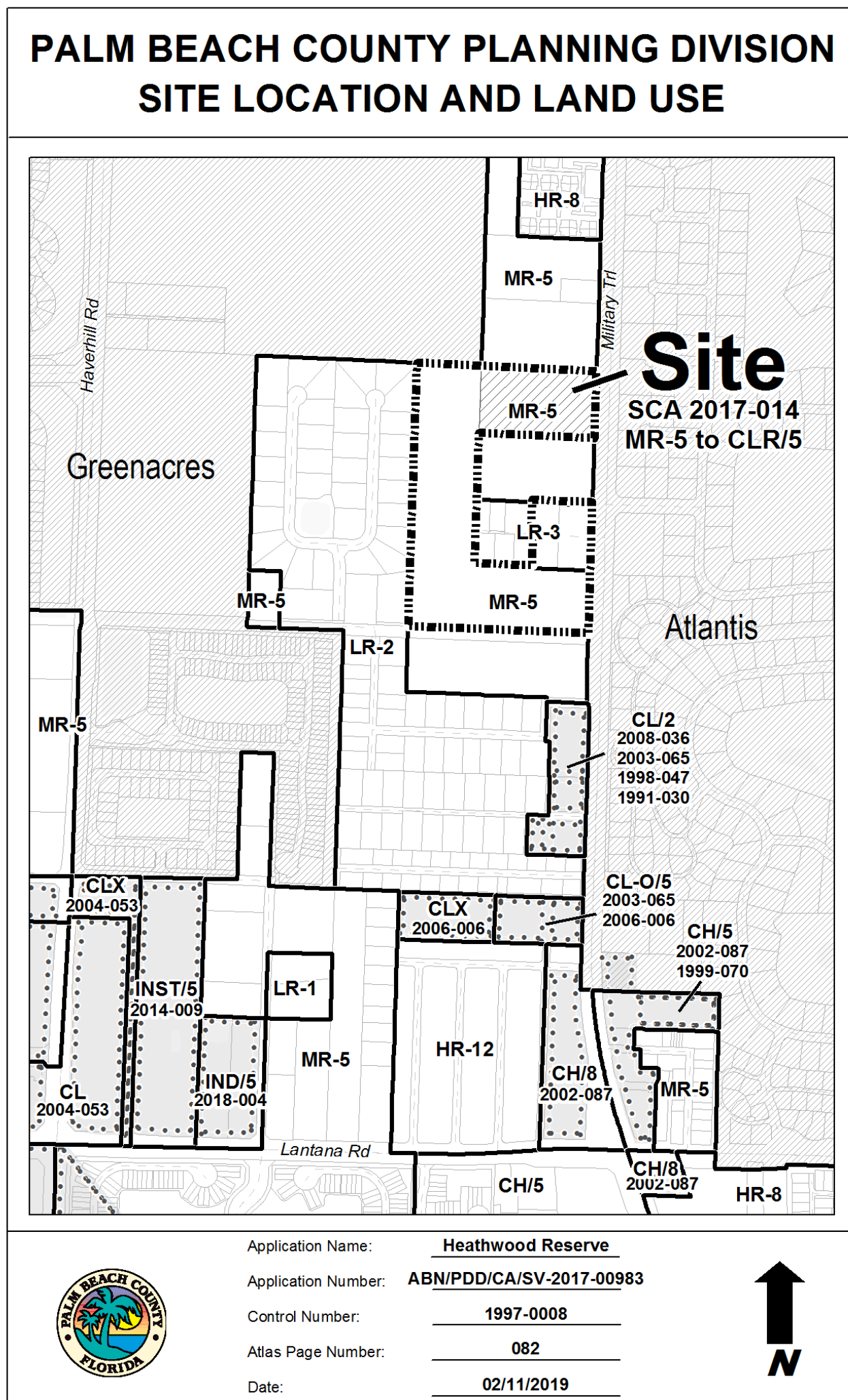
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

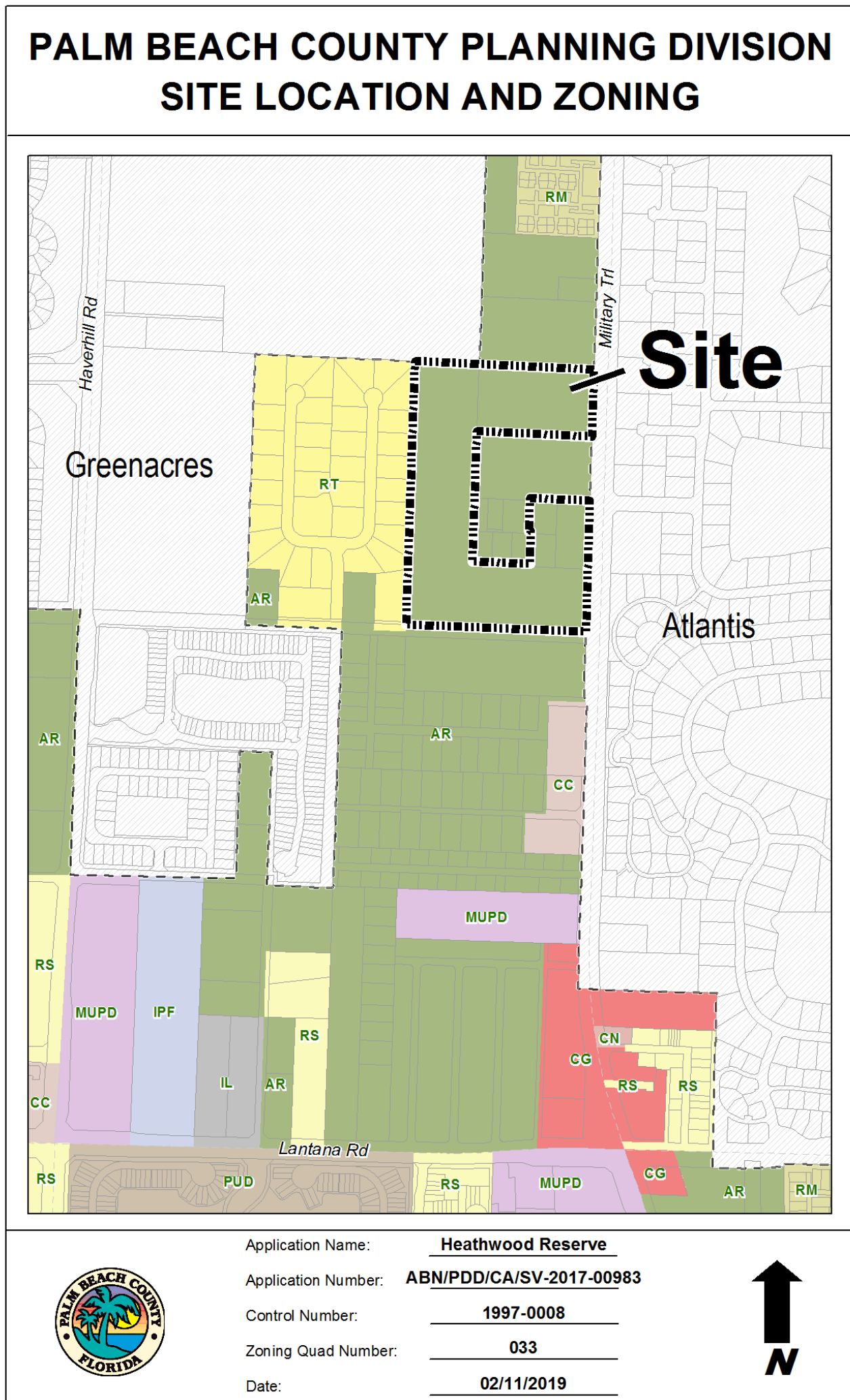
#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

### Figure 1 – Land Use Map



### Figure 2 – Zoning Map



Zoning Commission  
ABN/PDD/CA-2017-00983 (Heathwood Reserve)

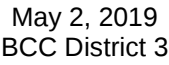
This aerial map of Palm Beach County, Florida, identifies the location of a specific 'Site'. The site is outlined with a dashed line and is situated in the northern part of the county, near the intersection of Military Trl and Haverhill Rd. The map also shows the locations of Greenacres, Atlantis, and Lantana Rd. The site is located within the Atlantis area, near the intersection of Military Trl and Haverhill Rd. The map includes labels for Haverhill Rd, Military Trl, Lantana Rd, Greenacres, and Atlantis. The site is located within the Atlantis area, near the intersection of Military Trl and Haverhill Rd.



|                     |                                 |
|---------------------|---------------------------------|
| Application Name:   | <u>Heathwood Reserve</u>        |
| Application Number: | <u>ABN/PDD/CA/SV-2017-00983</u> |
| Control Number:     | <u>1997-0008</u>                |
| Atlas Page Number:  | <u>082</u>                      |
| Date:               | <u>02/11/2019</u>               |



Zoning Commission  
ABN/PDD/CA-2017-00983 (Heathwood Reserve)



Zoning Commission  
ABN/PDD/CA-2017-00983 (Heathwood Reserve)

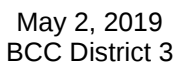




Exhibit D – Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

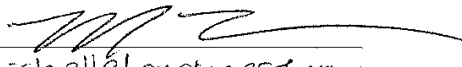
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Michelle Lancianese, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [X] Registered Agent AMKBJ Partners, LTD. LLLP [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
- 2. Affiant's address is: 7457 Park Lane  
Lake Worth, FL 33467
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
- 7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
Michelle Landanese, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31 day of January,  
20 17, by Michelle Landanese, [ ☒ who is personally  
known to me or [ ☐ who has produced \_\_\_\_\_  
as identification and who did take an oath.

Carol A. Marrero  
Notary Public

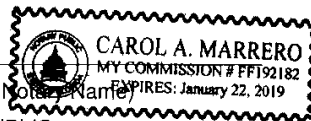
  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_

EXHIBIT "A"  
PROPERTY

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>LEGAL DESCRIPTION: (AS PROVIDED)</p> <p>PARCEL 1:</p> <p>PCN 00-42-44-36-08-009-0030</p> <p>THE NORTH 350 FEET OF TRACT 9 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THERE OF RECORDED IN PLAT BOOK 3, PAGE 10, PALM BEACH COUNTY PUBLIC RECORDS, LESS R/W FOR STATE ROAD 809.</p> <p>LESS A PORTION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SAID SECTION 36; THENCE NORTH 01°47'03"EAST, ALONG THE NORTH-SOUTH SECTION LINE, A DISTANCE OF 1368.52 FEET; THENCE NORTH 88°12'57" WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH 1/4 SECTION LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPT. RIGHT-OF-WAY MAP, ROAD NO. 809, SEC NO. 9375-113, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°47'03" WEST, ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE NORTH 87°18'29" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE NORTH 01°47'03" EAST, PARALLEL WITH AND 17.00 FEET WEST OF SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE SOUTH 87°18'29" EAST, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.</p> <p>CONTAINING: 213.091 SQ FT / 4.89 ACRES ±</p> <p>PARCEL 2:</p> <p>PCN 00-42-44-36-08-110-0000</p> <p>TRACT 10 AND THE SOUTH HALF (S 1/2) OF TRACT SIXTEEN (16), IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORID, PUBLIC RECORDS.</p> <p>LESS AND EXCEPT THE PROPERTY DESCRIBED IN RIGHT-OF-WAY DEED IN DEED BOOK 889, PAGE 275 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND RIGHT-OF-WAY DEED IN OFFICIAL RECORD BOOK 5940, PAGE 707, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.</p> <p>CONTAINING: 665,819 SQ FT / 15.29 ACRES ±</p> <p>PARCEL 3:</p> <p>PCN 00-42-44-36-08-016-0060</p> <p>THE WEST 190 FEET OF THE EAST 240 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE NORTH SIDE AND A 15 FOOT EASEMENT ON THE SOUTH SIDE AND ALSO THE WEST 190 FEET OF THE EAST 240 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE SOUTH SIDE AND A 15 FOOT EASEMENT ON THE NORTH SIDE AND LESS THAT PROPERTY CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 5990, PAGE 694, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.</p> <p>CONTAINING: 59,057 SQ FT / 1.36</p> <p>TOTAL AREA = 937,967 SQ FT / 21.53 ACRES ±</p> <p>TOGETHER WITH THE FOLLOWING TWO PARCELS</p> <p>PARCEL 1</p> <p>THE WEST 140 FEET OF THE EAST 380 FEET OF THE NORTH HALF OF THE NORTH HALF OF TRACT 16, IN THE NW 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.</p> <p>PARCEL 2</p> <p>THE WEST 130 FEET OF THE EAST 370 FEET OF THE SOUTH HALF OF THE NORTH HALF OF TRACT 16 OF THE SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE(S) 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.</p> |
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**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

| Name                | Address                              |
|---------------------|--------------------------------------|
| AMKBJ, Inc.         | 7457 Park Lane, Lake Worth, FL 33467 |
| Brian Lulfs         | 7457 Park Lane, Lake Worth, FL 33467 |
| Michelle Lancianese | 7457 Park Lane, Lake Worth, FL 33467 |
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DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Michelle Lancianese, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] Individual or [x] Registered Agent [position - e.g., president, partner, trustee] of AMKBJ Partners, LTD. LLLP [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 7457 Park Lane  
Lake Worth, FL 33467
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

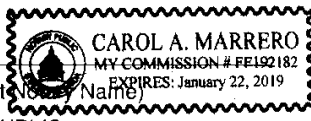
FURTHER AFFIANT SAYETH NAUGHT.

*Michelle Lancianese*  
Michelle Lancianese, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31 day of January, 2017, by Michelle Lancianese, [ ☒ ] who is personally known to me or [ ☐ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

*Carol A. Marrero*  
Notary Public

Carol A. Marrero  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_



**EXHIBIT "A"**  
**PROPERTY**

S / D OF 36-44-42, NW 1 / 4 N 350 FT OF TR 9 (LESS E 67 FT S MILITARY TRL R / W)

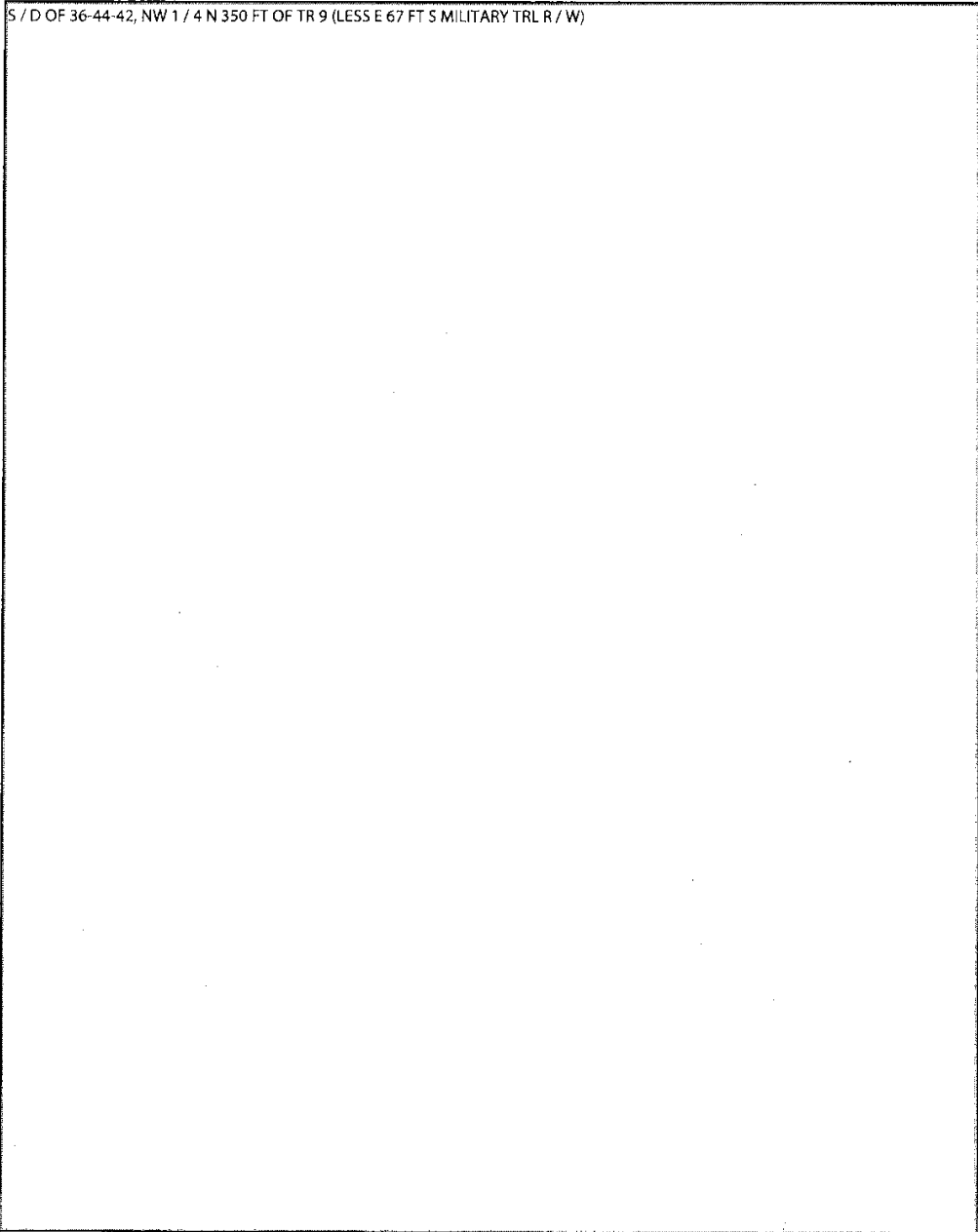


EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

| Name                | Address                              |
|---------------------|--------------------------------------|
| AMKBJ, Inc.         | 7457 Park Lane, Lake Worth, FL 33467 |
| Brian Lulfs         | 7457 Park Lane, Lake Worth, FL 33467 |
| Michelle Lancianese | 7457 Park Lane, Lake Worth, FL 33467 |
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Exhibit E – Letter from the City of Atlantis dated September 27, 2017.



OCT 10 2017

September 27, 2017

Jon P MacGillis, ASLA  
Palm Beach County Zoning Director  
2300 North Jog Road  
West Palm Beach, FL 33411

Re: Application No. 2017-00983 - Atlantis Reserve Development

MAYOR  
Catherine Higgins

VICE MAYOR  
Aaron Rinker

COUNCILMEMBERS  
David Kintz  
Michael LaCoursiere  
Lauri Melear

CITY MANAGER  
Mo Thornton

260 ORANGE TREE DRIVE  
ATLANTIS, FL 33462-1193

WEBSITE ADDRESS:  
[WWW.ATLANTISFL.GOV](http://WWW.ATLANTISFL.GOV)

PHONE: (561) 965-1744  
FAX: (561) 642-1806

Dear Mr. Machado:

The City of Atlantis has been advised that applications for a Future Land Use Amendment and Rezoning have been filed with Palm Beach County for property located on the west side of Military Trail directly across the street from the City, named "Atlantis Reserve". Based on the Land Use Amendment application and Preliminary Site Plan provided by County Staff, the City of Atlantis has a number of significant concerns regarding this proposed development.

Our primary concern is that this proposal is inconsistent with the recommendations included in the "Citizens Master Plan" that was the result of a jointly initiated and paid for planning study and Charrette undertaken in 2004. The Charrette was a multi-jurisdictional planning effort initiated by the Board of County Commissioners that responded to concerns raised by the residents of the City of Greenacres, City of Atlantis and unincorporated Palm Beach County to anticipated overdevelopment of the lands west of Military Trail at that time. Two significant inconsistencies are concerning. First, the density of this project proposed, 240 rental apartments plus a 121 bed CLF, results in a plan of development that is much more intense than the existing development in the surrounding communities. Winchester Woods, a large lot single family community is immediately to the west, and the City of Atlantis, which is primarily single family, is immediately to the east. The proposed density of 8-12 units per acre is inconsistent with the existing community character and the 5 units per acre density presumed in the Master Plan.

Second, one of the goals identified by the Master Plan is a proposed connector road between Haverhill Road and Military Trail at the signalized intersection at the City's west entrance, North Country Club Boulevard. As part of the Charrette, concerns raised by the residents included an increase in the number of homes and traffic congestion. The Master Plan includes recommendations for a "New Road and Park connecting Haverhill Road and Military Trail" and "New Road connection to Atlantis' western entry". The connecting roadway is to align with the signalized intersection at North Country Club Boulevard. This is of most importance to the City of Atlantis to relieve congestion and provide access, in particular, emergency access. The City of Atlantis contracts with the City of Greenacres for Fire Rescue service, and the closest station is on Haverhill Road just south of the LWDD L-14 Canal. As you can see on the preliminary Site Plan, accommodating that portion of this connector road opposite North Country Club Drive is not reflected in the site design. The proposed connection will forever be lost if this project is developed as proposed.

The City of Atlantis also has significant concerns due to anticipated adverse traffic impacts. As indicated on the preliminary Site Plan, the project is 22.59 acres in size and has a "U" shaped configuration with two (2) driveway connections proposed on

Military Trail. Further, neither of these proposed driveways align with the existing signalized intersection at North Country Club Boulevard. The location of the proposed driveways and the number of proposed trips using each driveway, identified on the preliminary Site Plan as 958 trips per day for the northern entrance and 882 trips per day for the southern entrance, will result in right-turn in and right-turn out driving movements that we believe will create a hazardous condition for all of our residents who use this traffic signal to enter and leave the City, and for residents of the proposed Atlantis Reserve. Specifically, any resident of Atlantis Reserve wishing to head northbound when leaving from either entrance will be forced to make a U-turn at the signal or at the next median opening to the south. There is only 600 feet of separation from the signalized intersection to the northernmost entrance and 150 feet of separation to the southern entrance. Military Trail is a 6-laned road with a signed speed of 45mph. There appears to be insufficient distance from the northern entrance to the traffic signal for a motorist to safely cross three lanes of fast-moving southbound traffic to make a U-turn at the traffic signal. Similarly, there is even a shorter distance for any northbound motorist to make a U-turn at the traffic signal and safely cross three lanes of southbound traffic to get to the southern entrance to Atlantis Reserve. We believe that this will create an unsafe situation for all motorists, pedestrians and cyclists using this intersection.

As indicated on the preliminary Site Plan, the parcels assembled for Atlantis Reserve leave 6 single family lots on Dow Lane outside of the project limits. Dow Lane is the proposed location for the southern entrance to the project. The parcel directly adjacent to, and on the north side of Dow Lane shows no plan of development at this time. That brings to question, what is the potential for development for this site? Could the entry road be located on this parcel to better align with the signalized intersection? It has been included for purposes of the land use change, however no development is indicated on the preliminary Site Plan.

In sum, the Atlantis Reserve project has assembled only some of the agricultural and lower density land uses opposite our City; it is proposing a high density, intensive use that creates safety hazards; does nothing to further the goals in the Charrette Plan; and is generally not in keeping with the character of the surrounding communities. We strongly urge you to uphold the Charrette Plan, and deny the proposed development.

Please be advised that the City intends to make an IPARC objection based on the grounds stated above. The City believes strongly in continued adherence to the Charrette Plan given that it was a joint, coordinated effort between multiple governmental jurisdictions and residents in the planning area.

Please let me know if the City of Atlantis can be of further assistance. We stand ready to provide you any additional information that you need.

Sincerely,



Catherine Higgins  
Mayor

Cc: Zoning Manager Wendy Hernandez (via email)  
wnhernan@pbcgov.org  
Principal Site Planner William Cross (via email)  
wcross@pbcgov.org

Exhibit F – Letter from the City of Greenacres dated April 3, 2019.



City of Greenacres

Planning & Engineering Department  
5800 Melaleuca Lane • Greenacres • Florida • 33463  
Ph: 561-642-2054 • Fax: 561-642-2049 • Email: groupeng@greenacresfl.gov

Joel Flores  
Mayor

Andrea McCue  
City Manager

Kara L. Irwin-Ferris  
Director

April 3, 2019

Chairman Mark Beatty and Palm Beach County Zoning Commissioners  
Palm Beach County Zoning Commission  
c/o Carolina Valera, Palm Beach County Zoning Division  
Palm Beach County P, Z & B  
2300 N. Jog Road  
West Palm Beach, FL 33411

RECEIVED  
APR 08 2019  
BY \_\_\_\_\_

**Re: Petition ABN/PDD/CA-2017-00983– Heathwood Reserve Development**

Dear Chairman Beatty and fellow Commissioners:

On August 7, 2017 and April 2, 2018, the Greenacres City Council authorized staff to provide a formal objection to the Heathwood Reserve (ABN/PDD/CA-2017-00983 & SCA-2017-014) project. Staff has been following the progression of the project through the Palm Beach County Planning and Zoning process and has followed up with the City of Greenacres City Council through the many iterations of the plan, specifically when the changes were substantial.

The City of Greenacres **strongly objects** to the proposed development and respectfully requests that the Palm Beach County (PBC) Zoning Commission recommend denial of the request for a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District and the Class A Conditional Use to allow a Type 3 Congregate Living Facility (CLF) on the 22.54-acre site. The City's formal objection to the proposed project is based on the following major concerns:

1. The proposal is inconsistent with the special study area document, *A Citizens Master Plan* prepared by Palm Beach County, the City of Greenacres, the City of Atlantis, and the Treasure Coast Regional Planning Council (TCRPC). The proposal lacks regard for the effort put into the charrette by the three government entities and the residents of the surrounding neighborhoods.
2. The proposal is inconsistent with the County's Comprehensive Plan, specifically objectives and goals of the Future Land Use Element (FLUE), the Transportation Element (TE), and the Intergovernmental Coordination Element (ICE). Consistency with the Palm Beach County Comprehensive Plan is a required standard for an Official Zoning Map Amendment and since this project fails to meet this requirement it should be deemed to be adverse to the public interest and should be denied.
3. The proposed rezoning for the Congregate Living Facility (CLF) is incompatible and inconsistent with the surrounding built environment, which is one of the basic principles of evaluating a proposed rezoning.

4. The change in character of the area will have a large impact on the six (6) single-family homes on Dow Lane. The six (6) homeowners are given minimal buffers and screening, while the intensity of the development around them will change dramatically causing an impact on their quality of life. The six (6) parcels should be determined to be residual parcels, which are protected by the County's Comprehensive Plan.

#### 1. Palm Beach County, City of Greenacres, and the City of Atlantis Charrette Citizens Master Plan

A major objection to the proposed rezoning is based on the fact that it is not consistent with the consensus vision for the area as reflected in the 2004 Greenacres, Atlantis, and Palm Beach County Charrette. Regarding the neighborhood planning charrette, the proposal is not consistent with the Charrette Master Plan:

- A. **The use is not primarily neighborhood serving.** The greater intensity use does not provide service to the adjacent neighborhood through the location of a residential serving commercial neighborhood node at the existing intersection. The use generates additional traffic concerns without utilizing methods to reduce the impacts of the proposed traffic increase, **such as the utilization of an existing signalized intersection or a connector roadway.**
- B. **The proposal is a single use and not mixed use** (retail, office and residential) as called for in the Master Plan.
- C. **Roadway Connection** - the Charrette Plan provides for a connector roadway (Corbett Drive extension) from Haverhill Road to Military Trail. The proposed plan does provide for a future connection that can be more efficient and safe by lining up with the existing signalized intersection at Country Club Drive and Military Trail. The connector roadway is important in improving connectivity for emergency access for Fire Rescue services from the City of Greenacres to the City of Atlantis, as well as the support services provided to Palm Beach County based on mutual aid agreements. It also would provide for additional alternative for traffic due to the proposed density increase.
- D. **Surrounding Character** - the proposed three (3) story building on the northern portion of the plan has no connection with the character of the surrounding area. The existing single-family homes to the east, west, and the south will be adversely impacted by the proposed uses with a minimal buffer area. The proposed 58 unit/ 139 bed CLF located on the northern portion of the plan, results in a plan of development that is much more intense than the existing development in the surrounding communities.
- E. **Roadway dedication to nowhere** – The Charrette Plan provides for a right-of-way dedication that lines up with Country Club Drive, but the future extension of the roadway is limited by the proposed development as planned. The proposed development removes the possibility of the planned east-west connecting roadway aligning with the signalized intersection at North Country Club Boulevard as designed. The proposed plan also does not connect to an existing intersection, which would mitigate the impacts from the increase density of the

proposed development. The project is requesting to increase the effects on local traffic in the area without being required to utilize existing signalization and in fact removing the possibility for future development to connect at the intersection.

The effort put into the charrette by Greenacres, Atlantis, Palm Beach County, and the residents of the surrounding neighborhoods should be respected by utilizing the recommendations of the charrette. The proposed plan does not do that.

Palm Beach County residents and residents from the City of Greenacres and Atlantis attended the Charrette in good faith, putting together a vision for the future development of the area. While the City is well aware that there is no "legal requirement" that the BCC follow the plan, the City has been enforcing the plan and urges the BCC to maintain the plan as well. As a municipal partner in the plan, the City of Greenacres has serious concerns regarding the County staff's position that the *A Citizens Master Plan* is not valid. The City has not been advised that the Board of County Commissioners has changed their endorsement of the plan since they accepted it on May 26, 2005, so the City cannot find support for Palm Beach County staff's dismissal of the *A Citizens Master Plan*.

## **2. Inconsistencies with the Palm Beach County Comprehensive Plan**

The proposal is inconsistent with the County's Comprehensive Plan, specifically objectives and goals of the Future Land Use Element (FLUE), the Transportation Element (TE), and the Intergovernmental Coordination Element (ICE).

### Future Land Use Element

The applicant has provided an inadequate justification for the project by stating that the proposed development is infill development and therefore merits an increase in the density and intensity of use. While the parcel may meet part of the definition of infill, that does not justify the increase in density. The PBC Future Land Use Element Objective 2.1, Policy 2.1-f requires that the County balance growth by directing development to appropriate locations. Specifically, Policy 2.1-f requires that adjacent and surrounding development and Community Plans be considered in the evaluation of a comprehensive plan amendment. In this instance, the proposed increase in density and the intensity of the use is not compatible with the low densities of the surrounding developments. It is also not consistent with the Citizens Master Plan previously referenced, which utilized the existing land uses.

In addition, policy 2.1-h and Policy 2.1-l address promoting appropriate land development patterns and discouraging the creation of residual parcels. Residual Parcel is defined in the Comprehensive Plan as "A property under the same or related ownership that has been left out of a development area, resulting in a parcel, which has limited development options and connections to surrounding properties." The six (6) single-family homes located on Dow Lane have related ownership in the access easement that crosses each property for legal access, including the four (4) parcels that have been incorporated into the proposed development located on Dow Lane. The development of the four (4) parcels

closest to South Military Trail leaves the remaining parcels with limited development opportunities and incompatibility issues that cannot be addressed adequately. In addition, the remaining access easement for the homes, known as Dow Lane, limits the development of the project parcels by requiring it to be kept open as an access for the remaining single-family homes. This alignment prevents the applicant from utilizing an existing signalized intersection at Military Trail and Country Club Drive. Therefore, the related ownership of Dow Lane limits the development plan for the entire Heathwood Reserve project, which is the definition of residual parcels and why they are regulated in the Comprehensive Plan.

#### Transportation Element

The proposed master plan is inconsistent with the Introduction, Objectives, and Policies of the County's Transportation Element. The Introduction of the Comprehensive Plan states, "... The need to coordinate local decisions on the appropriate use of land with the infrastructure necessary for access and development requires a unified approach and commonality of basic goals and objectives." In addition, the Assessment and Conclusions states, "...Policies also exist for alleviating high accident locations and for controlling access connections." The proposed master plan for the project is in direct conflict with these statements, as it does not utilize existing signalization at Country Club Drive and South Military Trail, nor does it connect with existing development roadways to improve circulation and access of the surrounding area. Instead, it creates conflicts with existing traffic patterns.

Overall, the use is very intense. The current and planned intersection at Country Club Drive becomes a dead-end without the possibility of a connection to Haverhill Road, nor is it utilized for safe traffic access to and from the site. If the proposed plan cannot provide even a portion of the right-of-way to access the signalized intersection into the proposed development, then increasing the intensity should not be considered.

#### Intergovernmental Coordination Element

The applicant met with the City, at the direction of County staff, but did not address any of the concerns expressed by City staff as a result of the meetings. In addition, staff requested that the applicant include the City of Greenacres staff in the public outreach meetings with adjacent neighborhoods, but staff was never notified of the meetings and only heard of them after the fact.

While the applicant made the pretense of meeting with adjacent jurisdictions, any concerns brought up were not addressed.

### **3. Compatibility**

The County's Land Use Element requires that Land Use Compatibility be evaluated as part of the staff analysis. The Comprehensive Plan requires that the County "Ensure that the densities and intensities of land uses are not in conflict with those of surrounding

areas, whether incorporated or unincorporated.” and “Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.” As stated previously, the proposed development does not respect the existing neighborhood nor does that proposed master plan address those incompatibility issues.

The single-family homes located in the Winchester Woods, Dow Lane, Wenhart Estates, and the City of Atlantis, which are to the west, east, and surrounded by the project, are single-family communities with an expectation, based on the County’s Future Land Use Map of what is permitted in the adjacent development. These existing communities are incompatible with the proposed project and their quality of life will be negatively impacted.

#### 4. Dow Lane

As previously stated, the County’s Comprehensive Plan has policies that define and address residual parcels. The Dow Lane residual parcels share access, which provides related ownership issues. The existing single-family homes on Dow Lane will be surrounded by a project with increased density and a reduced quality of life. Other than maintaining the Dow Lane access, the project has not integrated or allowed for inter-connectivity between the proposed project and the residual parcels on Dow Lane, as required by the Comprehensive Plan.

In conclusion, we encourage the Zoning Commission to recommend **denial** for the proposed project and hope you appreciate the concerns Greenacres, Atlantis, and the neighboring residents have – *this is not the right intensity for this location nor does the development program provide the right mixture of uses, provide for balanced growth and protect the integrity of existing neighborhoods.*

Sincerely yours,



Kara L. Irwin-Ferris, AICP  
Planning and Engineering Director

cc: Andrea McCue, City Manager, City of Greenacres  
Jon MacGillis, Director  
Carolina Valera, Project Manager, PBC Senior Site Planner  
File

Exhibit G – Formal Written Objection from the City of Atlantis dated March 29, 2017.

FORMAL WRITTEN OBJECTION

TO: Clearinghouse  
Palm Beach County

FROM: City of Atlantis

DATE: March 29, 2019

RE: Reference #: SCA 2017-014 (Heathwood FLUA)

The City of Atlantis (“Atlantis”) hereby files a formal objection to the proposed Palm Beach County (“County”) comprehensive plan (“comp plan”) amendment # SCA 2017-014 (Heathwood FLUA) for the following reasons, which will be outlined in greater detail in a subsequent letter:

- Heathwood Reserve Project (“Heathwood”) and the County failed to evaluate Heathwood’s impacts and compatibility with the surrounding area and adjacent municipalities, including Atlantis, in accordance with the Intergovernmental Coordination Element of the County Comp Plan and spirit of comprehensive planning;
- Heathwood and its corresponding Future Land Use Atlas (“FLUA”) Amendment was not adequately or effectively coordinated with the plans of surrounding local governments, including Atlantis, and creates an imbalance in future land uses, resulting in incompatibility in the area of Heathwood and amongst other local government comp plans;
- Heathwood and the County failed to adequately evaluate and coordinate Heathwood’s impacts on *The Greenacres, Atlantis, and Palm Beach County Charrette Report, A Citizens Master Plan* (“Citizens Master Plan”), a Special Study Area that was accepted by the Board of County Commissioners in 2005, currently recognized on Map LU 3.1 of the County Comp Plan, and a product of joint planning between several governments, including Atlantis; and
- Heathwood is a result of failed intergovernmental coordination.

This formal objection shall be transmitted to Department of Economic Opportunity (formerly known as Department of Community Affairs).



By: Brian R. Moree  
As: City Manager and authorized representative of the City of Atlantis.

FOR USE BY CLEARINGHOUSE

Date of Receipt \_\_\_\_\_ Signature of Clearinghouse \_\_\_\_\_ Forwarded On \_\_\_\_\_ to:  
Date \_\_\_\_\_  
Local Government \_\_\_\_\_

Panel Meeting Scheduled For \_\_\_\_\_

Panel Member 1 \_\_\_\_\_

Panel Member 2 \_\_\_\_\_

Panel Member 3 \_\_\_\_\_

**Exhibit H – Formal Written Objection from the City of Greenacres dated April 2, 2019.**

## FORMAL WRITTEN OBJECTION

TO: Anna Yeskey, Intergovernmental Coordination Program

FROM: Kara L. Irwin-Ferris, AICP, City of Greenacres Planning & Engineering Director

DATE: April 2, 2019

RE: Reference #: SCA-2017-014 (Heathwood Reserve FLUA)

The City of Greenacres, hereby files a formal objection to the proposed Palm Beach County comprehensive plan amendment # SCA 2017-014 Heathwood Reserve for the following reasons:

1. The proposal is inconsistent with the special study area of the citizens' master plan prepared by Palm Beach County, the City of Greenacres, and the City of Atlantis. The proposal lacks regard for the effort put into the Charrette by the three government entities and the residents of the surrounding neighborhoods.
  2. The proposal is inconsistent with the County's Comprehensive Plan, specifically objectives and goals of the Future Land Use Element (FLUE), the Transportation Element (TE), and the Intergovernmental Coordination Element (ICE).
  3. The proposed land use amendment is incompatible and inconsistent with the surrounding built environment, which is one of the basic principles of evaluating a proposed land use change.
  4. Finally, the change in character of the area will have a large impact on the six (6) single-family homes on Dow Lane. The six (6) homeowners are given minimal buffers and screening, while the intensity of the development around them will change dramatically causing an impact on their quality of life.
- This formal objection shall be transmitted to the Department of Economic Opportunity (formerly known as Department of Community Affairs.)

Signature of Government's Authorized Designee

FOR USE BY CLEARINGHOUSE

Date of Receipt      Signature of Clearinghouse

Forwarded On \_\_\_\_\_ to:  
Date \_\_\_\_\_  
Local Government \_\_\_\_\_

Panel Meeting Scheduled For \_\_\_\_\_

Panel Member 1

Panel Member 2

Panel Member 3

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